

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STRIKE 3 HOLDINGS, LLC,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	Civ. No. 21-cv-002005
v.	:	
	:	JURY TRIAL DEMANDED
JOHN DOE subscriber assigned IP address	:	
68.250.118.53,	:	
	:	
Defendant.	:	

**COMPLAINT-ACTION FOR DAMAGES FOR
PROPERTY RIGHTS INFRINGEMENT**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this complaint against Defendant, John Doe subscriber assigned IP address 68.250.118.53 (“Defendant”), and alleges as follows:

Introduction

1. This is a case about the ongoing and wholesale copyright infringement of Plaintiff’s motion pictures by Defendant, currently known only by an IP address.
2. Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures.
3. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. With millions of unique visitors to its websites each month, the brands are famous for redefining adult content, creating high-end, artistic and performer-inspiring motion pictures produced with a Hollywood style budget and quality.
4. Defendant is, in a word, stealing these works on a grand scale. Using the BitTorrent protocol, Defendant is committing rampant and wholesale copyright infringement by

downloading Strike 3's motion pictures as well as distributing them to others. Defendant did not infringe just one or two of Strike 3's motion pictures, but has been recorded infringing 32 movies over an extended period of time.

5. Although Defendant attempted to hide this theft by infringing Plaintiff's content anonymously, Defendant's Internet Service Provider ("ISP"), AT&T U-verse, can identify Defendant through his or her IP address 68.250.118.53.

6. This is a civil action seeking damages under the United States Copyright Act of 1976, *as amended*, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").

Jurisdiction and Venue

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

8. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address ("IP address") traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this Complaint in this State; (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

9. Plaintiff used IP address geolocation technology by Maxmind Inc. ("Maxmind"), an industry-leading provider of IP address intelligence and online fraud detection tools, to determine that Defendant's IP address traced to a physical address in this District. Over 5,000 companies, along with United States federal and state law enforcement, use Maxmind's GeoIP data to locate Internet visitors, perform analytics, enforce digital rights, and efficiently route Internet traffic.

10. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this District because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

Parties

11. Plaintiff, Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

12. Plaintiff currently can only identify Defendant by his or her IP address. Defendant's IP address is 68.250.118.53. Defendant's name and address can be provided by Defendant's Internet Service Provider.

Factual Background

Plaintiff's Award-Winning Copyrights

13. Strike 3's subscription-based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

14. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year."

15. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

16. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the world.

Defendant Used the BitTorrent File Distribution Network to Infringe Plaintiff's Copyrights

17. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

18. BitTorrent's popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables Plaintiff's motion pictures, which are often filmed in state of the art 4kHD, to be transferred quickly and efficiently.

19. To share a movie within the BitTorrent network, a user first uses BitTorrent software to create a .torrent file from the original digital media file. This process breaks the original digital media file down into numerous pieces.

20. The entire movie file being shared has a hash value (*i.e.*, the "File Hash"). A hash value is an alpha-numeric value of a fixed length that uniquely identifies data.

21. Hash values are not arbitrarily assigned to data merely for identification purposes, but rather are the product of a cryptographic algorithm applied to the data itself. As such, while two identical sets of data will produce the same cryptographic hash value, any change to the underlying data – no matter how small – will change the cryptographic hash value that correlates to it.

22. To find and re-assemble the pieces of the digital media file, *i.e.*, to download the file using BitTorrent, a user must obtain the .torrent file for the specific file that has been broken down into pieces.

23. Each .torrent file contains important metadata with respect to the pieces of the file. When this data is put into the cryptographic algorithm, it results in a hash value called the “Info Hash.”

24. The “Info Hash” is the data that the BitTorrent protocol uses to identify and locate the other pieces of the desired file (in this case, the desired file is the respective file for the infringing motion pictures that are the subject of this action) across the BitTorrent network.

25. Using the Info Hash in the metadata of a .torrent file, a user may collect all the pieces of the digital media file that correlates with the specific .torrent file.

26. Once a user downloads all of the pieces of that digital media file from other BitTorrent users, the digital media file is automatically reassembled into its original form, ready for playing.

27. Plaintiff has developed, owns, and operates an infringement detection system, named “VXN Scan.”

28. Using VXN Scan, Plaintiff discovered that Defendant used the BitTorrent file network to illegally download and distribute Plaintiff’s copyrighted motion pictures.

29. To explain, while Defendant was using the BitTorrent file distribution network, VXN Scan established direct TCP/IP connections with Defendant’s IP address.

30. VXN Scan downloaded from Defendant one or more pieces of numerous digital media files.

31. Plaintiff identified these pieces as portions of infringing copies of Strike 3’s

motion pictures.

32. To explain, the VXN Scan system first searched for and obtained .torrent files claiming to be infringing copies of Plaintiff's works, and then downloaded complete copies of the digital media files that correlate to those .torrent files.

33. Plaintiff then compared the completed digital media files to Plaintiff's copyrighted works to determine whether they are infringing copies of one of Plaintiff's copyrighted works.

34. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or, alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted Works.

35. VXN Scan then used the "Info Hash" value, contained within the metadata of the .torrent file correlated with a digital media file that was determined to be identical (or substantially similar) to a copyrighted work, to download a piece (or pieces) of the same digital media file from Defendant using the BitTorrent network.

36. At no point did VXN Scan upload content to any BitTorrent user. Indeed, it is incapable of doing so.

37. The VXN Scan captured transactions from Defendant sharing specific pieces of 32 digital media files that have been determined to be identical (or substantially similar) to a copyrighted work(s) that Plaintiff owns.

38. VXN Scan recorded each transaction in a PCAP file.

39. VXN Scan recorded multiple transactions in this matter.

40. For each work infringed a single transaction is listed on Exhibit A.

41. For each transaction listed, Exhibit A sets forth the Universal Time Coordinated

(UTC) time and date of each transaction, along with (1) the Info Hash value obtained from the metadata of the corresponding .torrent file that formed the basis of the VNX Scan's request for data, and (2) the File Hash value of the digital media file itself.

42. Exhibit A also sets forth relevant copyright information for each work at issue: the date of publication, the date of registration, and the work's copyright registration number. In a showing of good faith, Plaintiff has intentionally omitted the title of the work from this public filing due to the adult nature of its content, but can provide a version of Exhibit A containing the works' titles to the Court or any party upon request.

43. Thus, Defendant downloaded, copied, and distributed Plaintiff's Works without authorization.

44. Defendant's infringement was continuous and ongoing.

45. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

46. Plaintiff seeks statutory damages, attorneys' fees, and costs under 17 U.S.C. § 501 of the United States Copyright Act.

COUNT I

Direct Copyright Infringement

47. The allegations contained in paragraphs 1-46 are hereby re-alleged as if fully set forth herein.

48. Plaintiff is the owner of the Works, which is an original work of authorship.

49. Defendant copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol.

50. At no point in time did Plaintiff authorize, permit or consent to Defendant's

distribution of its Works, expressly or otherwise.

51. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and

(D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

52. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

(A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;

(B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody or control;

(C) Order that Defendant delete and permanently remove the infringing copies of the

Works Defendant has on computers under Defendant's possession, custody or control;

(D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: April 14, 2021

Respectfully submitted,

CLARK HILL PLC

By: /s/ Samuel J. Tallman

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EXHIBIT A

Exhibit A to the Complaint

Location: Plainfield, IL
Total Works Infringed: 32

IP Address: 68.250.118.53
ISP: AT&T U-verse

Work	Hashes	UTC	Site	Published	Registered	Registration
1	Info Hash: F63BBFC680C5A1422FE794C3870264F2321A53D8 File Hash: 79FABDC1A95C1FCF2B38F8A95D211B0E6D2BA8280536667E7DE46CA5DBC7F770	03-04-2021 17:20:32	Tushy	02-21-2021	03-08-2021	PA0002280370
2	Info Hash: 0B2D244E6C372AFB4EA5ECAC53684B50CE489230 File Hash: 374F6A352D2777D9FA27B09765B01F663BEDFA9232A8570726A6A8DF3989D115	02-17-2021 21:57:42	Tushy	01-31-2021	02-09-2021	PA0002276144
3	Info Hash: FEBD1E4F3502010960D02B0B8A12F3BAE11B4925 File Hash: 2483AF0C38D6E2688F39D2812AE569B8E34C1A34BF2758AEC947472E50263914	02-16-2021 14:56:55	Tushy	02-07-2021	03-08-2021	PA0002280362
4	Info Hash: 72B0F1168786EE85BDFE7815FEE833ACB0611C68 File Hash: E615313D9ECE13DD904034EABC5993D67BA8135F472E59E4DC2D4E51BBFD0770	01-30-2021 22:15:37	Tushy	01-17-2021	02-09-2021	PA0002276149
5	Info Hash: 43B68B90B917F628231325211D99AA981C7453FC File Hash: B7B829BEB615310B614D8ADA67BB984CAEDE2C1950F70F78BEFEFEC4D11D6B9A	01-30-2021 21:32:59	Tushy	01-10-2021	02-09-2021	PA0002276153
6	Info Hash: 9F78A2F5EED40C498ABE733F0B017BEB99482A1E File Hash: 96531365AA131996331F8E2EDCD2D43ABDD4A7DFB4A1E53244F6C5B8A7A94299	01-30-2021 20:51:46	Tushy	01-03-2021	02-02-2021	PA0002280504
7	Info Hash: D9E6C89D800F198B3963C0129111D296C3830B1B File Hash: 1FB697D7471A2E39B8C66FE7BEAA6AC696275A30A51A1843749723A4238E2D03	01-12-2021 21:17:55	Tushy	10-18-2020	11-05-2020	PA0002263388
8	Info Hash: 41173C5F7359A9FC9F286D56CAA3585A9B525A27 File Hash: 6726476A3C0BB654896DD95921CAA306C2870E19C498587A6AE105DBC5F10CC	01-12-2021 20:49:15	Tushy	12-20-2020	01-05-2021	PA0002269960

Work	Hashes	UTC	Site	Published	Registered	Registration
9	Info Hash: 8C0450560F9B89D6FC85B8D65FC2A45F85BEB391 File Hash: D51FF4DFDC04263DDA8DDDF1C9E02997D3C0193D83460492DD9D0589FEE5B727	08-17-2020 17:32:46	Tushy	08-16-2020	08-18-2020	PA0002253098
10	Info Hash: FE05CB8A8DFB2D136503E31855AF6EBCF985438B File Hash: 81C541850E9CF441830E9C3C3AFBEC34C89F1F9758235261ABD66C7DE38B2422	08-04-2020 16:59:18	Tushy	08-02-2020	08-31-2020	PA0002265633
11	Info Hash: D8CC6A6F0DF7DE99DDC5578221F7EC1AD4AC5EEF File Hash: 65AE39881C3A823068E1F574C4C80C562AEB52A9CF86F284D76BD8B8B2B19C5A	05-19-2020 17:58:19	Tushy	05-17-2020	06-16-2020	PA0002253264
12	Info Hash: EB8182CB6D300A79475A2DF9651C8674C4BBA7FB File Hash: E1E817C687D36BD1C9FB37A539C4C4E62F58D2B0BC61B8BBE4E8CB51087F05F1	11-03-2019 20:41:15	Tushy	10-28-2019	11-05-2019	PA0002227106
13	Info Hash: 1BD7B43424B377ADACBDD81FAFFB158D2370CB12 File Hash: F00CB16B8367BF7FD7F2A21EE435B235CF6B011F72EDC56C15DBF26FBB959ABB	10-26-2019 20:25:59	Tushy	10-23-2019	11-05-2019	PA0002227103
14	Info Hash: DA6E99522230ABDBF22D2C9897260D08FC094689 File Hash: AD6AF3C5814770F5D439F8059C82ABA03486F16DC7E12DDEFEEED91A1D3C88AAA	09-19-2019 00:37:29	Tushy	09-18-2019	10-01-2019	PA0002217340
15	Info Hash: AE56D79258B3F062B731EF13E0188A0ACC1B0788 File Hash: 2493CF5F3AA64C9E0042A0D31EED3F6EDC9E23307B67E4AAC431659A24DBB640	09-15-2019 16:25:22	Tushy	09-13-2019	10-07-2019	PA0002205470
16	Info Hash: 1D1CFE4975FA86AA9A3DC1505EEAEED91CCB9B36 File Hash: 3954CD69773DA875F67C129965A028CC69868B630CEF7F65279EEC4C3A017EC9	09-07-2019 16:17:50	Tushy	09-03-2019	09-13-2019	PA0002200699
17	Info Hash: CDE1EBE30D12BB48185E01B5DDD7BA9549DF4BCB File Hash: FC6ED1B9110EF308157299D0842B9998C372FBD630644B804398B5E2ACAD851C	08-30-2019 20:05:03	Tushy	08-29-2019	09-17-2019	PA0002216128

Work	Hashes	UTC	Site	Published	Registered	Registration
18	Info Hash: 15C91360B96EC4FC534313AD0435C151DAE55696 File Hash: 7AD677D20438EED1DF05EACADDC3E5462A8B4B088A835F5F84BE54BE80DC88B7	08-22-2019 21:16:06	Tushy	08-19-2019	08-26-2019	PA0002213301
19	Info Hash: B9E63DBF38E9763A05AD2EB8371F88C6A3338FE9 File Hash: A94B37C6B1896286535B24D36323823CE17E1C4B23390F36310A323B98A35624	07-20-2019 20:48:51	Tushy	07-20-2019	08-26-2019	PA0002213244
20	Info Hash: BD08CDC4AB37B1F288F5D245BC77FD72EC17895E File Hash: 9F66A4E0A7591B21704D3FFF246FBA254A816C87D2801350AB7A05FA1398CBB9	07-08-2019 20:31:55	Tushy	07-05-2019	08-27-2019	PA0002213300
21	Info Hash: F9B7C100F8637B81FEB3954D7A297496DC9E0EF6 File Hash: 0553FAF7A22454F2A2B424C17D1D8BB0C4735DD94BD03E6A1A96DD1B0431CA71	06-25-2019 20:14:54	Tushy	06-25-2019	08-27-2019	PA0002213234
22	Info Hash: 51B937DE9EC1865F4B9FA53D0F08E4E61CCB1DF9 File Hash: FBB429D162F8CAEFBBD6E5C5AAE45CEC1BB3899E05F7C3C90AAEE54608CFA878	04-07-2019 16:18:56	Tushy	04-06-2019	04-29-2019	PA0002169945
23	Info Hash: 333EF607453E84D6528AC24F90BAF0FAD4A1117A File Hash: 8D68759EBB0D26D114D773A87E8A1E37F1FD3735B98773BB38286C4C8F1F36F1	04-02-2019 14:50:28	Tushy	03-27-2019	04-29-2019	PA0002169944
24	Info Hash: 59EFEFD40190285C6AA0A866FB02071298D9E336 File Hash: 09545B4D924A85A769CE2997C9F13E0BA7A1C117817D1173FD8782169B2C09A3	03-23-2019 18:27:59	Tushy	03-22-2019	04-08-2019	PA0002164887
25	Info Hash: A5201F692D59FE907B492A72341E78C054CE5997 File Hash: C60CA14B70AEFA3FC22B8324DAFABE5FA62F11A6659810483B38B6D473D93610	03-09-2019 16:53:28	Tushy	03-07-2019	03-31-2019	PA0002163981
26	Info Hash: FAB95948D114974766DDC47AA478DF62DAC33472 File Hash: 940EB6CC9D7791158BDF729313A2C0AC41D3282D86C6CB8E1EA173DD4CCECB44	03-03-2019 19:53:06	Tushy	03-02-2019	04-17-2019	PA0002186902

Work	Hashes	UTC	Site	Published	Registered	Registration
27	Info Hash: CA0BEF3F878732A15ED3BF5FE35FF711ACC0DD2E File Hash: 126B76AD22F64D2135938579BDBF376D4BAEA1B57AF180AA290DB76C63824CB9	02-19-2019 18:17:32	Tushy	12-20-2018	01-22-2019	PA0002147682
28	Info Hash: 8BCB7B06AB36EDCC1B53F56BC6B1329DB9D48900 File Hash: 8AF8FCB882888074B5D5505F39BEA55918BF3536F3DD764B5B0A57DD73C5CF86	01-27-2019 19:01:48	Tushy	01-21-2019	02-22-2019	PA0002155131
29	Info Hash: 3C64DE25A475C2A641C10DC2A8A92F74581AF4E7 File Hash: 75583BAB12BA233A752B16D7C17709D66C737D09C85D8AABD61D7640D02E9E49	01-27-2019 19:01:41	Tushy	01-26-2019	02-22-2019	PA0002155150
30	Info Hash: 061CC3A792B286632E89FFD7A1B26284D351D32A File Hash: B50131E9F86D5606AE7CD38E45BEB5117FE6DEE9C9B2A23A22CF3742EF33FADD	01-04-2019 21:47:16	Tushy	01-01-2019	02-02-2019	PA0002155376
31	Info Hash: B7BCBF2FCDD44A8BDB3A063EB66E0773C0B07526 File Hash: A2C5BAE81898F9DEA282CA577741FAA9602957AC0D4DC6CBA2937249EC4B5130	12-09-2018 04:33:24	Tushy	12-07-2018	01-22-2019	PA0002149849
32	Info Hash: 0FC89E3591ABCE589173E6BBAD64A52E4D79299F File Hash: 6F4EA8F4709344DB9DA212ACE1F99CFD4D2AF84B331F081248FB12BD1C992434	12-04-2018 01:35:09	Tushy	12-02-2018	12-18-2018	PA0002141917